IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE SW/S Reisterstown Rd., 2700' NW of c/l of Greenspring Valley Rd. * DEPUTY ZONING COMMISSIONER (9808 Reisterstown Road) * OF BALTIMORE COUNTY 3rd Election District 3rd Councilmanic District * Case No. 92-464-A Samuel Funk and David Granat Petitioners

> * * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a

Petition for Zoning Variance filed by Heritage Dodge by and through its attorney, Julius W. Lichter, Esquire, in which the Petitioners request relief from Section 413.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit three business signs totalling 737.06 sq.ft. in lieu of the permitted 100 sq.ft. for existing Sign 1 of 282.2 sq.ft.; proposed Sign 2 of 220.32 sq.ft. and proposed Sign 3 of 234.54 sq.ft. which replaces an existing sign totalling 80 sq.ft. The Petitioners also request a variance from Section 413.5d of the B.C.Z.R. to permit Signs 1 and 2 with a height of 26.8 feet and 35 feet, respectively, in lieu of the permitted 25 feet for each, all as more particularly described on Petitioner's Exhibits 4 and 5.

Appearing on behalf of the Petition were Jerome Fader, Steve Fader, and Leo J. D'Aleo. There were no Protestants.

At the onset of the hearing, Counsel for the Petitioners, Julius W. Lichter, Esquire, moved that the Petition for Zoning Variance be amended. Specifically, the Petition was amended to request a height for Sign 2 of 30 feet in lieu of the requested 35 feet, and a total sign area of 187.68 sq.ft. for Sign 2 in lieu of the requested 220.32 sq.ft. As a result of the modifications made for proposed Sign 2, the total signage

requested for the subject property would then be reduced to 704.42 sq.ft. in lieu of the originally requested 737.06 sq.ft. The Petition was amended accordingly.

Testimony indicated that the subject property, known as 9808 Reisterstown Road, consists of 2.9495 acres, more or less, zoned B.R., and is the site of the Heritage Automotive Group. The proffered testimony offered by Mr. Lichter indicated that the Fader family has operated several dealerships along this section of Reisterstown Road for many years. Testimony indicated that the Petitioners are desirous of locating three business signs on the subject property to identify their Volkswagen, Subaru and Oldsmobile dealerships. The three signs in question are depicted on Petitioner's Exhibit 5, a site plan of the subject property. Two of the subject signs will be relocated from an existing dealership located elsewhere. Those two signs are for the Volkswagen and Subaru dealerships. Submitted into evidence as Petitioner's Exhibits 1A through 1E were various photographs of the subject property. Said photographs reveal that the subject property is well-maintained, and is neat and orderly in its appearance. While the proposed signage will increase at the subject location, it will decrease at the sites where the signs presently exist. There were no adverse comments from any agency in Baltimore County and no Protestants appeared at the hearing.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this /7 day of July, 1992 that the Petition for Zoning Variance requesting relief from Section 413.2 of the Baltimore County

Zoning Regulations (B.C.Z.R.) to permit three business signs totalling 704.42 sq.ft. In lieu of the permitted 100 sq.ft., to include existing Sign 1 of 282.2 sq.ft.; proposed Sign 2 of 187.68 sq.ft. and proposed Sign 3 of 234.54 sq.ft. which replaces an existing sign totalling 80 sq.ft. The Petitioners also request a variance from Section 413.5d of the B.C.Z.R. to permit Signs 1 and 2 with a height of 26.8 feet and 30 feet, respectively, in lieu of the permitted 25 feet for each, in accordance with Petitioner's Exhibits 4 and 5, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) Prior to the issuance of any permits, Petitioners shall submit a revised site plan incorporating the modifications requested herein as to proposed Sign 2 for the Subaru dealership.

> > Deputy Zoning Commissioner for Baltimore County

TMK:bjs

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

July 17, 1992

Juliua W. Lichter, Esquire Levin & Gann 305 W. Chesapeake Avenue Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE SW/S Reisterstown Road, 2700' NW of the c/l Greenspring Valley Road (9808 Reisterstown Road) 3rd Election District - 3rd Councilmanic District Samuel Funk and David Granat - Petitioners Case No. 92-464-A

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

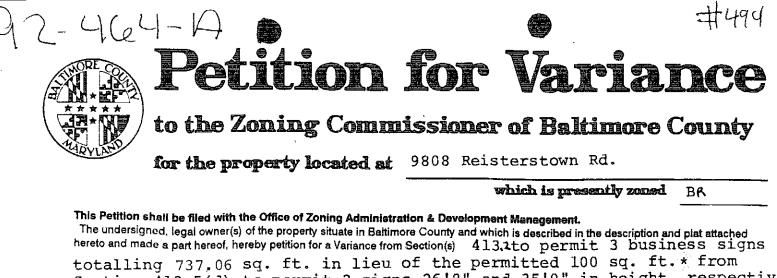
TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

TMK:bjs

cc: People's Counsel

File

MICROFILMED



Section 413.5(d) to permit 2 signs 26'8" and 35'0" in height, respective in lieu of the permitted 25 ft. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

site constraints; automobile dealership requirements;

and additional reasons which will be presented at the public hearing.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. *(existing sign #1-282.2 sq.ft. remaining; sign #2, 220.32sq.ft. new;

Property is to be posted and advertised as prescribed by Zoning Regulations.

sign #3, 234.54 sq.ft. new &replacing existing sign of 80sq.ft.) !/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee Samuel Funk & David Granat Jerome Fader, Agent Signature Heritage Dodge Attorney for Petitioner Levin & Gann, P.A. 11234 Reisterstown Rd. (356-1850) Julius W. Lichter, Esquire Owings Mills, MD 21117 Name, Address and phone number of legal owner, contract purchaser or representative 305 W. Chesapeake Ave. 321-0600 Julius W. Lichter, Esquire 305 W. Chesapeake Ave. - Ste. #113 Towson, MD Address Towson, MD 21204 Phone No. 321-0600

HOFFMAN and HOFFMAN SURVEYORS . LAND PLANNERS

5502 STONINGTON AVENUE • BALTIMORE, MARYLAND 21207

THOMAS M. HOFFMAN THOMAS M. HOFFMAN, JR. Property Line Surveyor #267

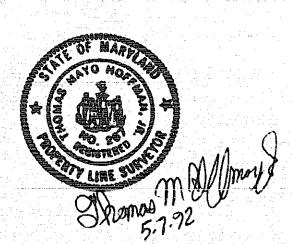
PHONE: (301) 448-0181

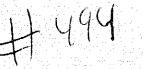
ZONING DESCRIPTION 9808 REISTERSTOWN ROAD

Beginning at a point on the southwest side of Reisterstown Road, 66 feet wide, at a distance of 2700 feet northwest of the centerline of Greenspring Valley Road, thence

1) South 47°10'08" West 551.38 feet, thence 2) North 04°23'03" East 686.10 feet, thence binding on Reisterstown Road 3) South 48'41'35" East 468.48 feet to the place of beginning, containing 2.9495 acres of land, more or less.

Being the aggregate of the two following recorded deeds; Liber 6619, folio 407 and Liber 4990, folio 512. Also known as 9808 Reisterstown Road in Election District 3.





Location of property: SW/S Resters town Road, 2700 NWM the Cl of Trenspring Valley Road, 9808 Restration Road Location of Signer Clar front of 9505 Reinterstion Road

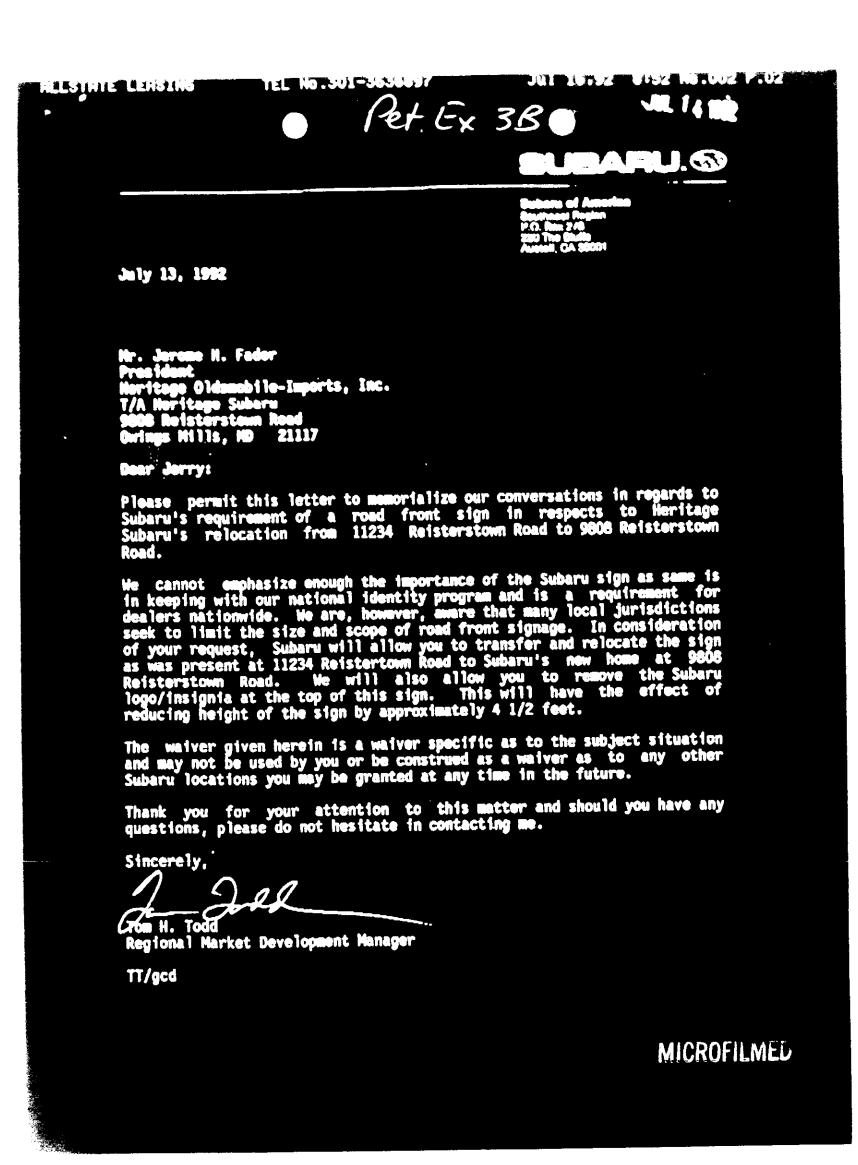
CERTIFICATE OF POSTING zoning department of Baltimore County

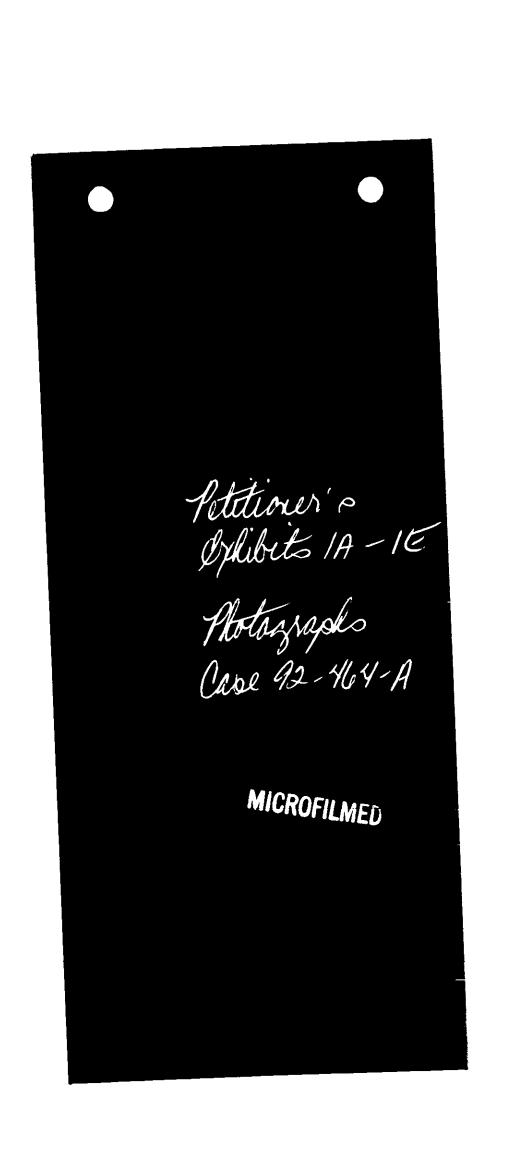
Case: #92-464-A (Itam 494)
SW/S Reisterstown Road,
2700' NW of cf Greenspring
Valley Road
9808 Reisterstown Road
3rd Election District
3rd Councilmanic
Petitioner(s):
Samuel Funk and David
Granat
Hearing Date: Thursday,
July 16, 1992 at 9:00 a.m.
in Rm. 106, Office Building Variance: to permit 3 business signs totalling 737.06 sq. ft. in lieu of the permitted 100 sq. ft. (existing sign #1, 282.2 sq. ft. remaining; sign #2, 220.32 sq. ft. new sign #3, 234.54 sq. ft. new and inches and 35 ft. in height, respectively, in lieu of the permitted 25 ft.

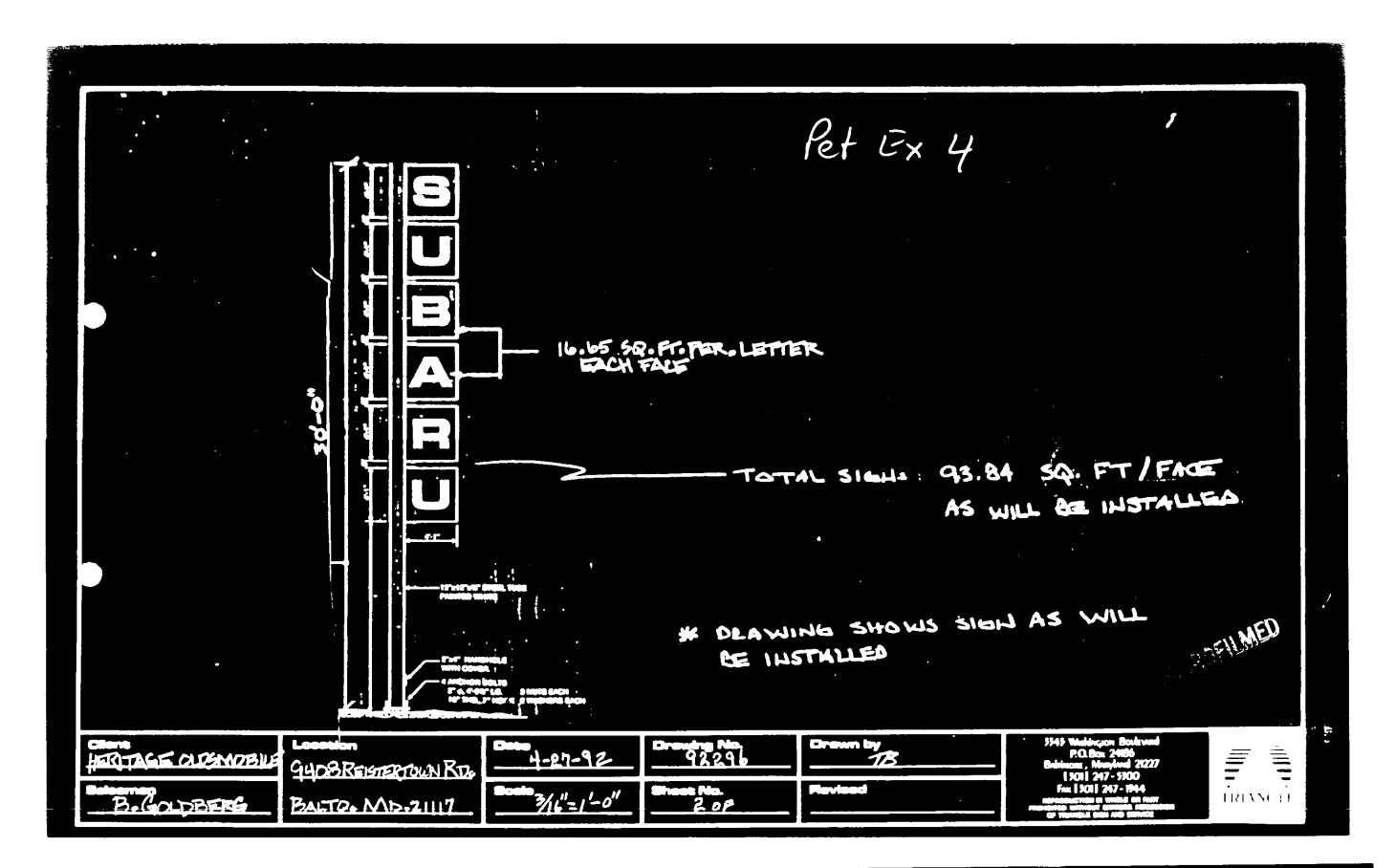
CERTIFICATE OF PUBLICATION

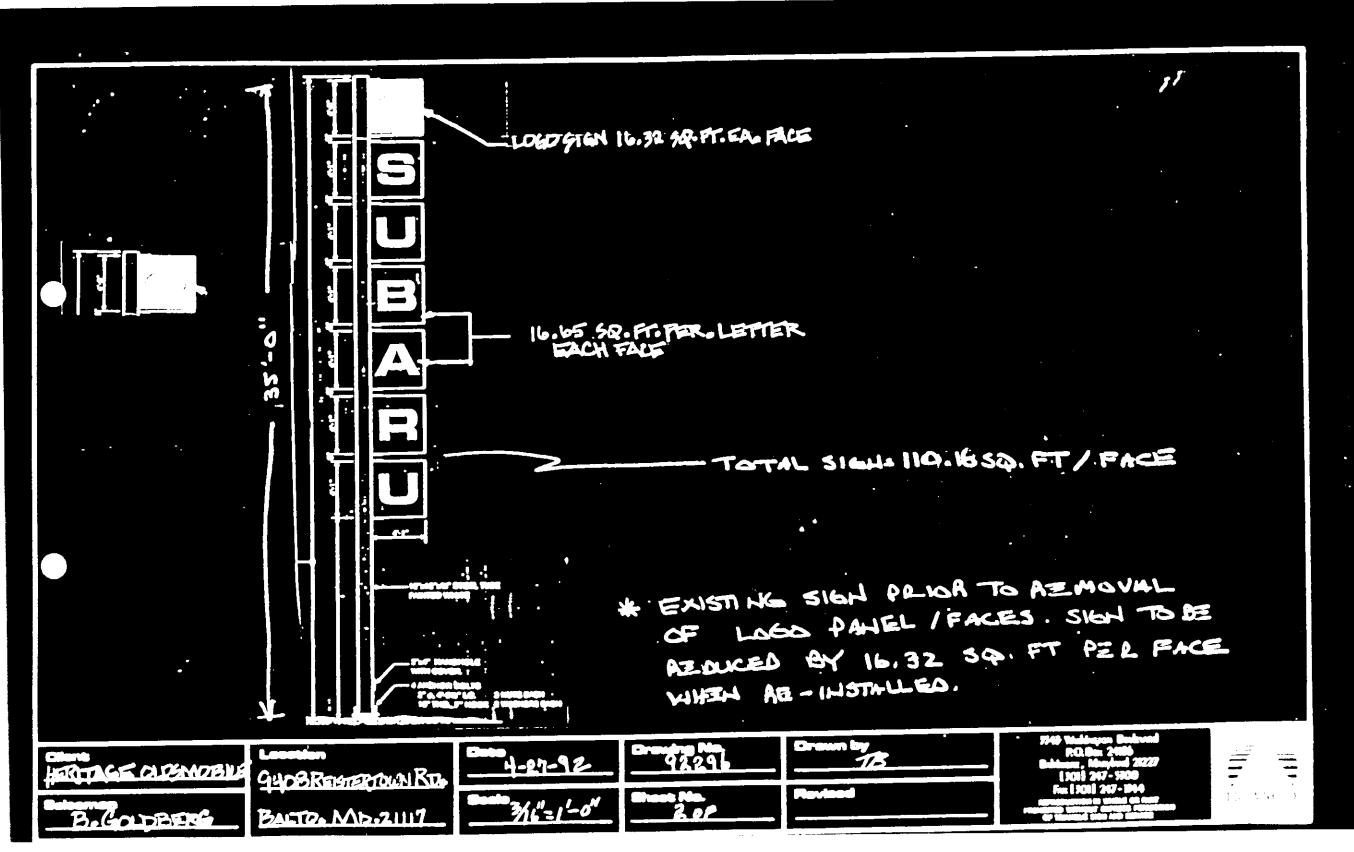
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on Mark 1, 1972

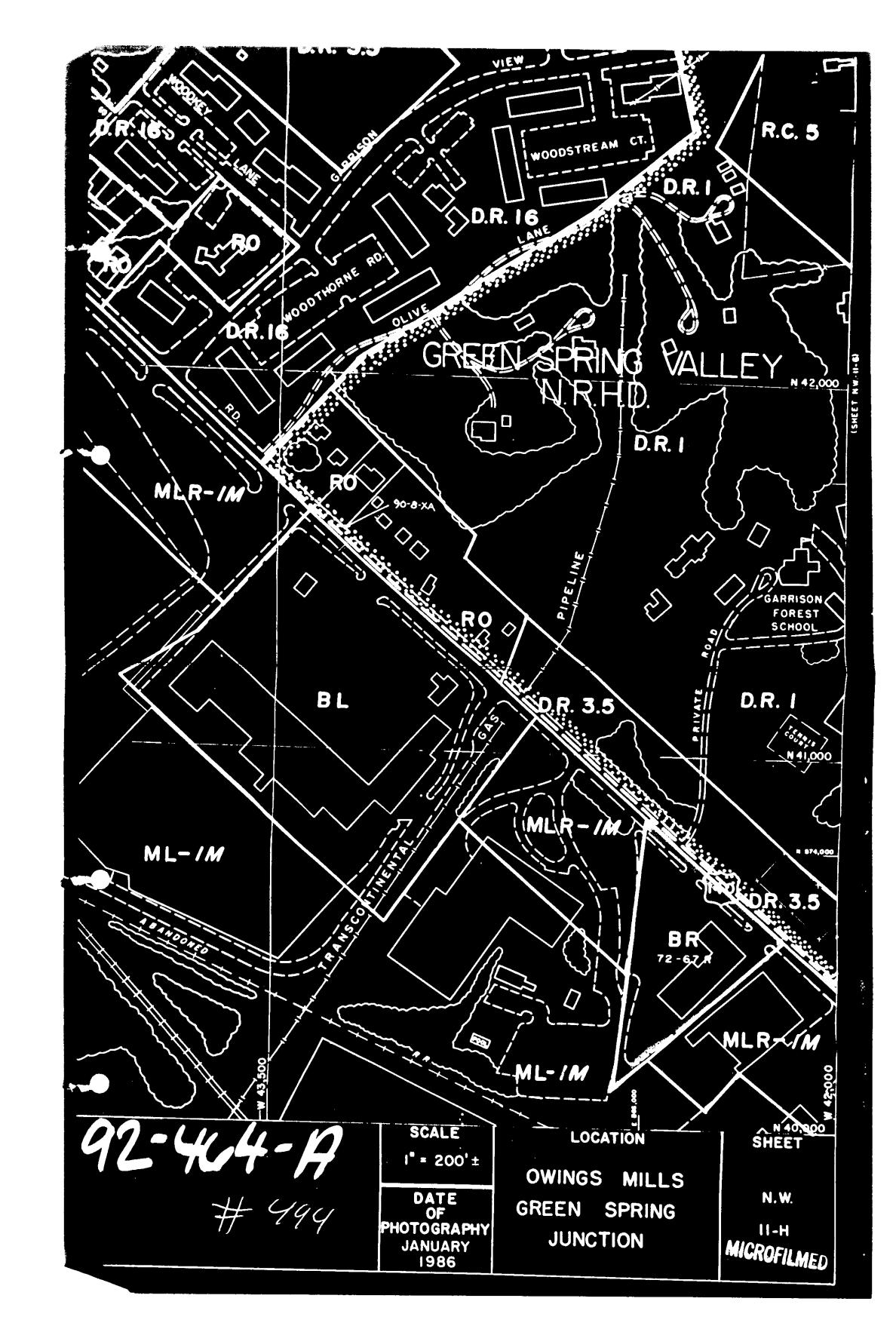
MICROFILMED

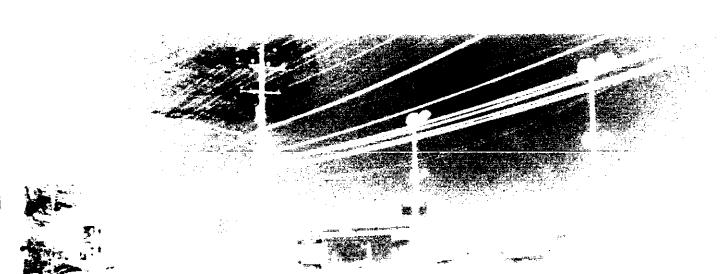


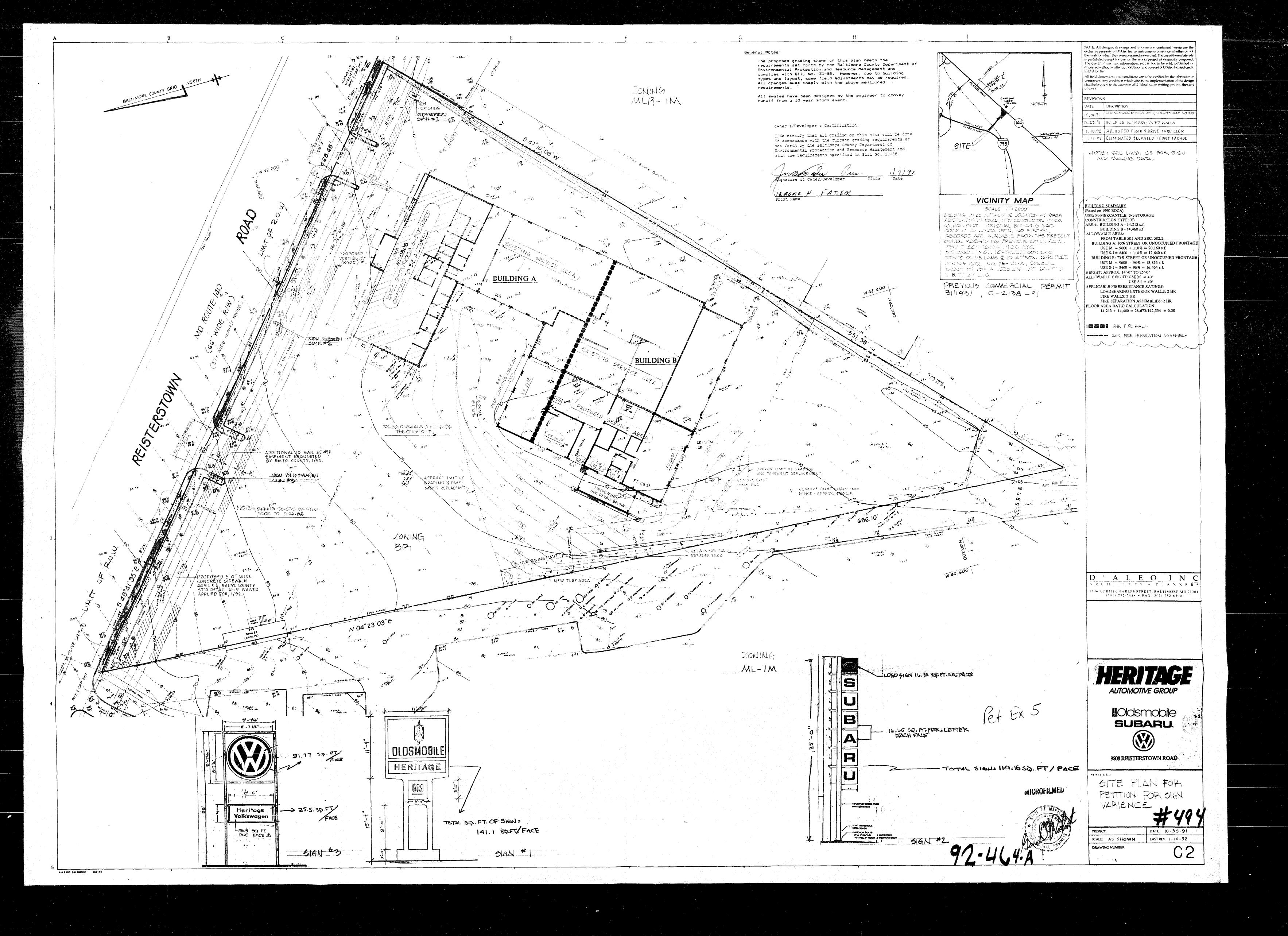


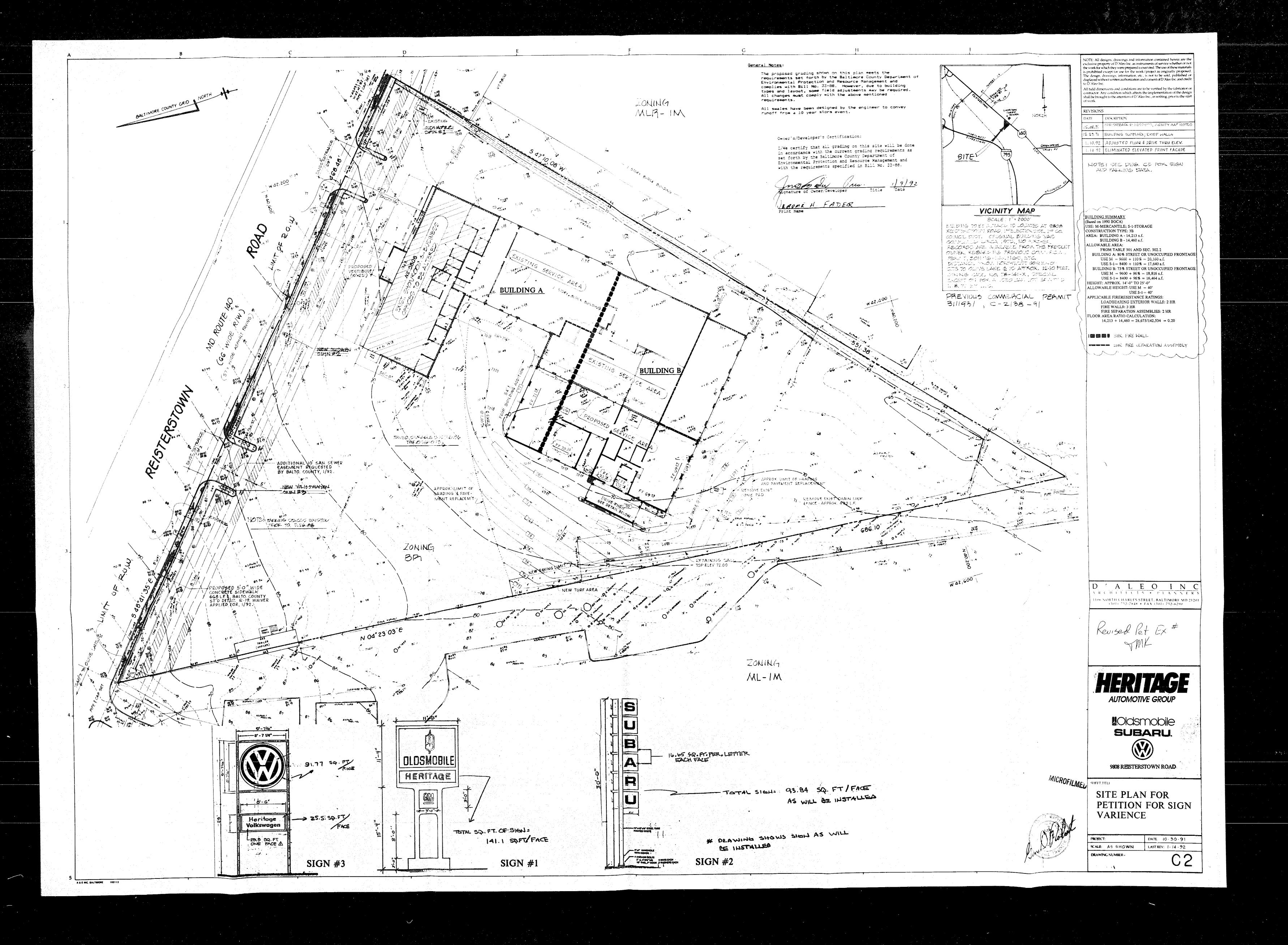












Baltimore Cour
Zoning Commissioner
County Office Building
111 West Cheenpeake Avenue
Towson, Maryland 21204

111 West Chesapeake Avenue

Towson, MD 21204

92-464

PUBLIC HEARING FEES OTY FRICE

080 -POSTING SIGNS / ADVERTISING 1 X \$60.40

LAST NAME OF OWNER: FUNK, GRANAT

MICROFILMED

04A04#0111MICHRC BA CO10:46AM07-24-92 lease Make Checks Payable To: Saltimore County

M9300012

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

of Planning & 2

111 West Chesapeake Avenue Towson, MD 21204 887-3353

DATE: 6-19-92

Samuel Funk and David Granat c/o Heritage Dodge 11234 Reisterstown Hond Owings Hills, Haryland 21117

RE:
CASE #92-464-A (Item 494)
SW/S Reisterstown Road, 2700' NW of c/l Greenspring Valley Road
9808 Reisterstown Road
3rd Election District - 3rd Councilmanic
Petitioner(s): Samuel Funk and David Granat
HEARING: THURSDAY, JULY 16, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Please be advised that \$ 60.40 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONLING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return sail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Cellfaller

DIRECTOR

cc: Julius W. Licther, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

(410) 887-3353

recellpt

Your petition has been received and accepted for filing this

ARNOLD JABLOS

Received By

Chairman,
Zoning Plans Advisory Committee

Petitioner: Samuel Funk, et al
Petitioner's Attorney: Julius W. Lichter

MICROFILMED

Printed on Recycled Paper

06/15/92 Development Review Committee Response Form Authorized signature _______. Surely Meeting Date Waiver Number Stonegate at Patapsco (Azreal Property) 6-1-92 90476 ZON DED TE (Waiting for developer to submit plans first) COUNT Keith M. And Patricia M. Lamber COUNT Samuel Frank And David Granat DED DEPRM RP STP TE Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning William J. And Elizabeth G. Wachter DED DEPRM RP STP TE Aneita R. And James S. Henry DED DEPRM RP STP TE Douglas R. Small DED DEPRM RP STP TE Lyle L. Boltinghouse DED DEPRM RP STP TE Glenn A. And Patricia A. Sudano Howard W. Dawson, Sr. NC 503 DED DEPRM RP STP TE MICROFILMED COUNT 8

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

JUME 5, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Touson, Maryland 21204
or

Room 118, Old Courthouse, 400 Washington avenue, Towson, Maryland 21204 as follows:

CASE #92-464-h (Item 494)
SW/S Reisterstown Road, 2700' NW of c/l Greenspring Valley Road
9808 Reisterstown Road
3rd Election District - 3rd Councilmanic
Petitioner(s): Samuel Punk and David Granat
HEARING: THURSDAY, JULY 16, 1992 at 9:00 a.m. in %m. 106, Office Building.

Variance to permit 3 buisness signs totalling 737.06 sq. ft. in lieu of the permitted 100 sq. ft. (existing sign #1, 282.2 sq. ft. remaining; sign #2, 220.32 sq. ft. new; sign #3, 234.54 sq. ft. new and replacing existing sign of 80 sq. ft.); and to permit 2 signs 26 ft., 8 inches and 35 ft. in height, respectively, in lieu of the permitted 25 ft.

Lawrence E. Schmidt

cc: Samuel Funk and David Granat Julius W. Lichter, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

July 6, 1992

(410) 887-3353

Julius W. Lichter, Esquire Levin & Gann, P.A. 305 W. Chesapeake Avenue Towson, MD 21204

> RE: Item No. 494, Case No. 92-464-A Petitioner: Samuel Funk, et al Petition for Variance

Dear Mr. Lichter:

111 West Chesapeake Avenue

Towson, MD 21204

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

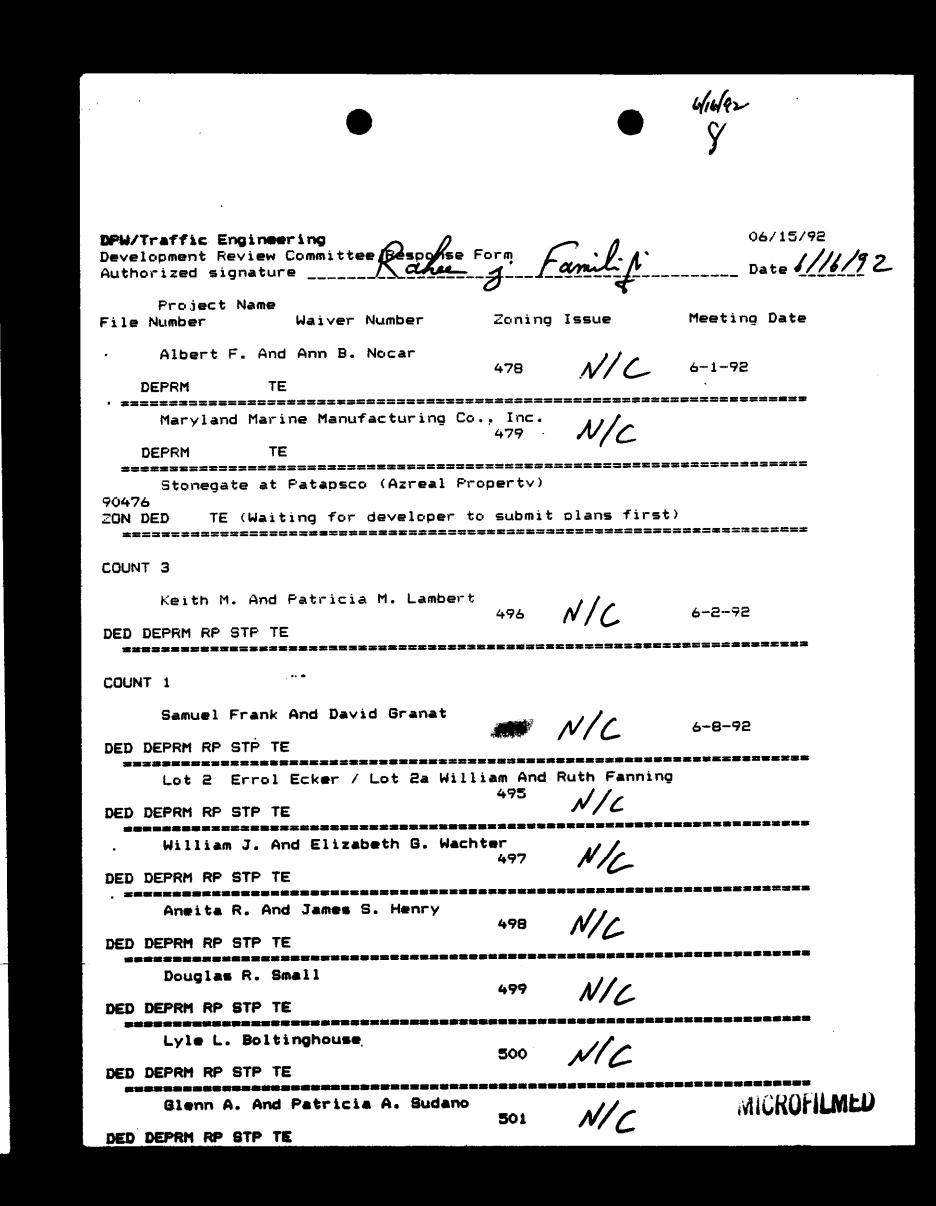
Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related <u>only to the filing of future</u> <u>zoning petitions</u> and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Printed on Recycled Pr

MICROFILMED



Department of **Environmental Protection & Resource Managemen**Development Review Committee Resource Form
Authorized signature File Number Zoning Issue Meeting Date COUNT 5 Keith M. And Patricia M. Lambert 6-2-92 ED DEPRM RP STP TE COUNT Samuel Frank And David Granat 6-8-92 NO COMMENTS Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning written comments William J. And Elizabeth G. Wachter NO COMMENTS Aneita R. And James S. Henry NO COMMENTS DED DEPRM RP STP TE Douglas R. Small IN PROESS DED DEPRM RP STP TE Lyle L. Boltinghouse NO COMMENTS DED DEPRM RP STP TE Glenn A. And Patricia A. Sudano Written comments DED DEPRM RF STF TE Howard W. Dawson, Sr. NO COMMENTS DED DEPRM RP STP TE COUNT 8 FINAL TOTALS MED WED COUNT 21 *** END OF REPORT ***

(410) 887-4500

6209-92

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: SAMUEL FUNK AND DAVID GRANAT

Location:

\$9808 REISTERSTOWN ROAD

Item No.:

Zoning Agenda: JUNE 8, 1992

Gentlemen:

700 East Joppa Road Suite 90 Towsun, MD 21204-5500

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Fire Prevention Bureau Special Inspection Division

JP/KEK

MICROFILMEL

PERSONAL

COUNT COUNT 8 COUNT 9

Reisterstown~Owings Mills~ Glyndon Coordinating Council

July 28, 1992

Mr. Lawrence Schmidt Zoning Commissioner Baltimore County Office of Planning & Zoning

Baltimore County Courts Building 401 Bosley Avenue Towson, Maryland 21204

RE: Case No.: 92-464-A (Item 494)

Dear Mr. Schmidt:

I am writing to express ROG's opposition to the variance requested in the above case. This variance will permit the erection of three business signs totalling 737.06 square feet in lieu of the permitted 100 square feet for an auto dealership located at 9808 Reisterstown Road. This is significant, and we believe unnecessary, variance for this area. Our community group has consistently opposed this kind of increase in commercial signage along Reisterstown Road. Because we believe the requested variance to be excessive, we hope that you will refuse the same.

I realize that the hearing on this matter was held on July 16, 1992. Unfortunately, no member of our group, which is a volunteer organization, was free to attend the hearing. We thought it best to at least make our views known to you by letter prior to your ruling.

very truly yours,

PCJ/pjb

MICROFILMED

Development Review Committee Response Fpf Lu Authorized signature Meeting Date Keith M. And Patricia M. Lambert 6-2-92 Samuel Frank And David Granat 6-8-92 Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning DEPRM RP STP TE DED DEPRM RP STP TE William J. And Elizabeth G. Wachter DED DEPRM RP STP TE Aneita R. And James S. Henry DED DEPRM RP STP TE Douglas R. Small DED DEPRM RP STP TE Lyle L. Boltinghouse DED DEPRM RP STP TE ****************** Glenn A. And Patricia A. Sudano DED DEPRM RP STP TE : ##55#9#55######## Howard W. Dawson, Sr. DED DEPRM RP STP TE DED DEPRM RP STP TE ******************* FINAL TOTALS MICROFILIVILLE *** END OF REPORT ***

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY

DEPARTMENT OF TRANSPORTATION Subble 12 MOTOR VEHICLE ADMINISTRATION — CONSUMER AFFAIRS AND BUSINESS

Chapter 01 Declars and Salesman Authority: Transportation Article, 9813-104th) and 16-100, Annetated Code of Maryland .01 Dealer Licensing and Registration.

The Administration may refuse to grant a license to any person as a dealer or may suspend, revoke, or refuse to continue the license of a dealer already issued, unless meeting the requirements contained

A. Each location shall be subject to inspection by an authorised representative of the Administration before approval of application for dealer registration.

B. Fullowing approval of the application, the location shall be maintened in accordance with the applicable provisions of Transportation Article, Americal Code of Maryland, and the regulations pressulgated by the Administration. Licensees are subject to re-investigation by authorized representatives of the Administration. C. Only one license for the type of vehicles being offered for sale

C. Only one license for the type of vehicles being effect for sale will be permitted at any one location, and once the location has been licensed, it may not be subdivided for the purpose of establishing other businesses, under separate licenses for the same type of vehicles being offered for sele, without the prior approval of the Administration. This probabition also applies to a licenses doing business under more then our corporate structure. D. A dealer may de business in a name er under any title er desig-

p. A cesser may as summers in a name or under any time or comparation other than the expectation name, provided that the title or designation is not misleading. A trade or corporate name that faintly states or implies that the design has a special relationship or connection with a manufacturer that other dealers do not have is misleading, and is an example of a title or designation that may not be adopted by

eign is displayed, its (a) Shall be displayed at the desirethin entrance;

a dealer. The dealer's application for House shall state the full corporate means and all "trading as" or "doing business as" names. Example: ABC Pentine — GBC — Datum — Velvo, Inc.; T/A ABC Velvo, T/A ABC Datum, T/A ABC Pentine — GBC. E. A dealer may hold multiple Hosmoos, for example, new or used vehicle, metercycle, and trailer dealers' Hosmoos, provided that all E-censes are levest in the same dealership name. P. The leastion shall be assemble to the public, fining a main theroughfore used for purposes of vehicular truffic and fully visible from the thoroughfore. G. The location shall be of a size to adequately and safely permit the display of a minimum of ten vehicles and space for oustoner park-H. The location shall most all local scaling regulations. I. The location shall be fully lighted. J. The display and customer parking areas shall be adequately our-fixed with an appropriate covering, subject to approved by the Admin-K. The additional locations shall be inspected and approved by the L. Additional lesstless shall most the minimum standards set forth in applicable provident of the Transportation Article, Associated Code of Maryland, and the regulations pressalgated by the Adminis-

M. Additional Inestions may use registration plates inseed to the primary location provided the trade name and exceeding are identical to that of the primary location. (1) Appropriate dealership signs shall be permanently efficied.
(2) The signs deal by all order so to such them, manually leafly. from the street or bishoos. (2) The single of the state of the depleting of the depleting of the depleting of the state of t

(4) As to whelsenis dusters, a sign is not required. However, if a (h) May not he larger than 6 houles in height and 16 inches in 4958-90

BALTIHORE COUNTY, HARTLAND

INTER-OFFICE COMMESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

DATE: July 14, 1992

92-462-A 7-16-92

SUBJECT: Heritage Dodge

Samuel Funk & David Granat

SUPPLARY OF RECOMMENDATIONS: This petitioner is requesting a variance to allow three business signs totaling 737 square feet in lieu of the permitted 100 square feet and to permit 2 signs of 26'8" and 35' in height in lieu of the permitted 25 feet.

The Office of Planning and Zoning recommends APPROVAL of the petitioner's request subject to the following recommendations.

The Office of Planning and Zoning's area planner made a site visit in June and found that approaches to the property in both directions has excellent visibility. Therefore, there is no need to have signs that exceed the limits outlined in the zoning regulations. The planning staff would be willing to work with the petitioner prior to the Zoning Commissioner's Final Order in order to reach a compromise on signage in exchange for, perhaps, additional landscaping.

Francis Morsey

Erwer Mc Wances

FM/EMcD: rdn

494.ZAC/ZAC1

Pet Ex. 2

(1) Owned or lessed by the wholesale dealer;

vision of each location.

e completone place.

MVA — Consumer Arrans and Business Lecenses 11.12.01.04

(c) May not contain any language which implies the dealer-ship will buy from, sell to, or embange vehicles with the retail pub-

O. As to wholesale dealers, the location shall be in a permanent building and the space used shall be:

(2) Regularly eccepted and embasively used by the wholesale dealer for dealership purposes.

A. The dealership office shall be housed at the dealer's fixed less-tion and in a substantial building adequate and appropriate for the business so conducted.

B. The declarable office shall be of sufficient size to accommodate the customers, and shall be equipped with office faralture, such as dealt, chairs, and filing cablests, and electricity, lighting, heat, and telephone, in order to reasonably conduct the declarable business.

C. A current trader's license shall be lessed by the political subdi-

D. This House shall be displayed on the premises of the dealer in

A. If a location is otherwise adequate and appropriate, the location requirements satisfied in Engelection ASF, G, L, J, and H of this despiter may be valued for whalesale dealers and for new tealer, best tealine, and notempts dealers, who shall have the privilege of assigning manufacturer's cartificates of origin and to incee temporary tops upon thing with the Administration a written franchise agreement from the manufacturer of the validies for which the dealers obtains a franchise.

B. Manufacturers and distributors are energt from location re-quirements for the purpose of eccusing Class 1A registration plates.

C. The registration of a dealer in the names of two or more per-

sens or portuein, or otherwise, may not require a re-importion on a change in concentity on long to one pattern action as a portuer or operator remains as the country, pursuantly, us, in a corporation, as one of its logal afflication.

766L 8 3 1005

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Mr. Philip C. Jacobson Reisterstown-Owings Mills-Glyndon Coordinating Council P.O. Box 117 Reisterstown, Maryland 21136

RE: PETITION FOR ZONING VARIANCE SW/S Reisterstown Road, 2700' NW of the c/l of Greenspring Valley Road (9808 Reisterstown Road) 3rd Election District - 3rd Councilmanic District Samuel Funk and David Granat - Petitioners Case No. 92-464-A

August 3, 1992

Dear Mr. Jacobson:

Thank you for your letter dated July 28, 1992 regarding the above-captioned matter.

Please be advised that a decision in this matter was made prior to the receipt of your letter. For your information, there were no Protestants at the hearing and the Petitioners' request was granted, subject to restrictions. A copy of the Order, issued July 17, 1992 is enclosed for your reference. Should you find the decision rendered is unfavorable, you may file an appeal to the County Board of Appeals provided you do so prior to the expiration of the thirty (30) day appeal period which commenced from the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

It is suggested in the event any future hearings are held in which your organization is opposed to the relief requested and cannot send a representative, that you submit your written comments as soon as possible for due consideration.

TIMOTHY M. KOTROCO

TMK:bjs

Deputy Zoning Cor issioner for Baltimore County

والشائد

· Pet Ex 3A

VOLKSWAGEN UNITED STATES, INC. Atlantic Zone 9300 M.L. King, Jr. Highway Lanham, Maryland 20708 Tel. 301/459-7000 Fax 301/308-4617

July 13, 1992

VIA FEDERAL EXPRESS

Mr. Jerry Fader, President Heritage Oldsmobile-Imports, Inc. 9808 Reisterstown Road Owings Mills, MD 21117

Dear Mr. Fader:

Pursuant to our letter dated June 4, 1992, Volkswagen United States, Inc. hereby granted the Dealer permission to relocate its Volkswagen dealership operations from 11216 Reisterstown Road, Owings Mills, Maryland 21117, to 9808 Reisterstown Road, Owings Mills, Maryland 21117. This relocation approval was contingent upon your relocating the old Volkswagen signage to the new facility. As of this date, you have not complied with the requirements of our written agreement; therefore, Volkswagen United States, Inc. shall be under no obligation to amend the Volkswagen Dealer Agreement for the new location.

Please advise this office within ten (10) working days upon receipt of this letter on the status of the signage in the new location.

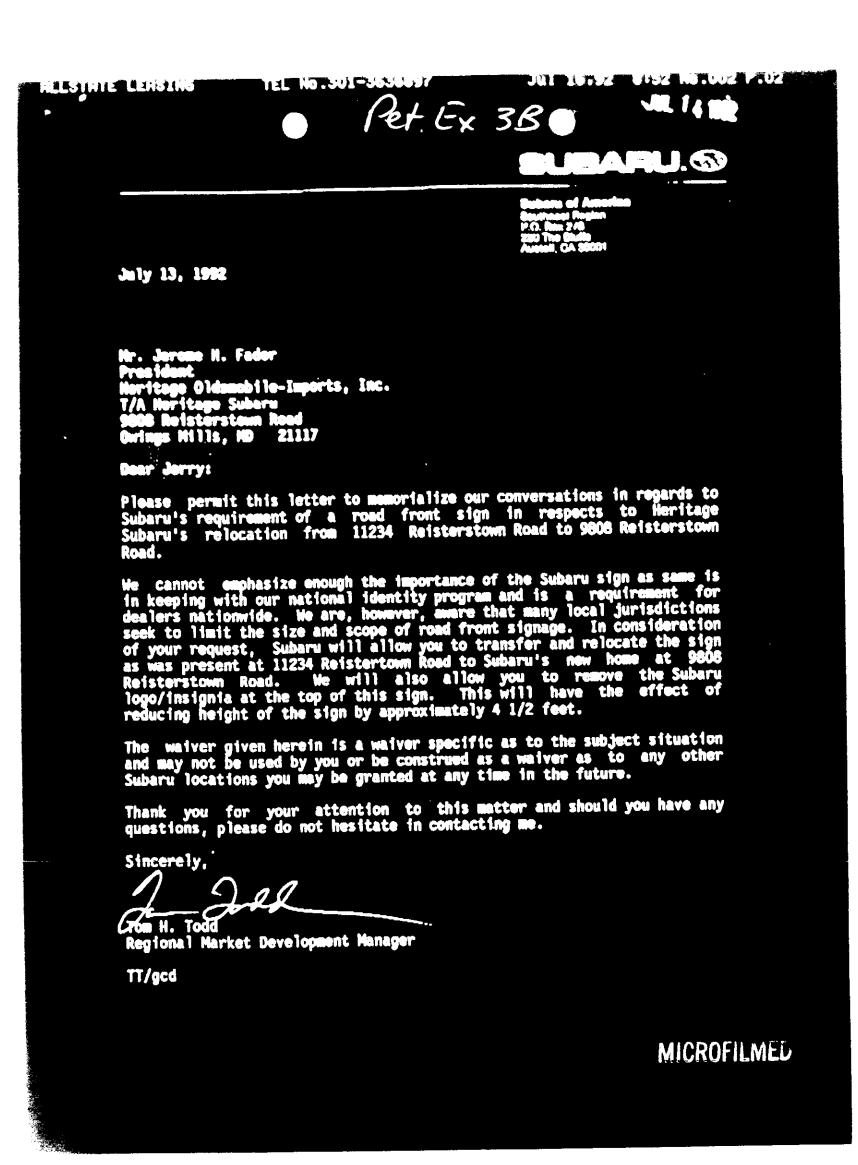
Should you have any questions, please contact me at

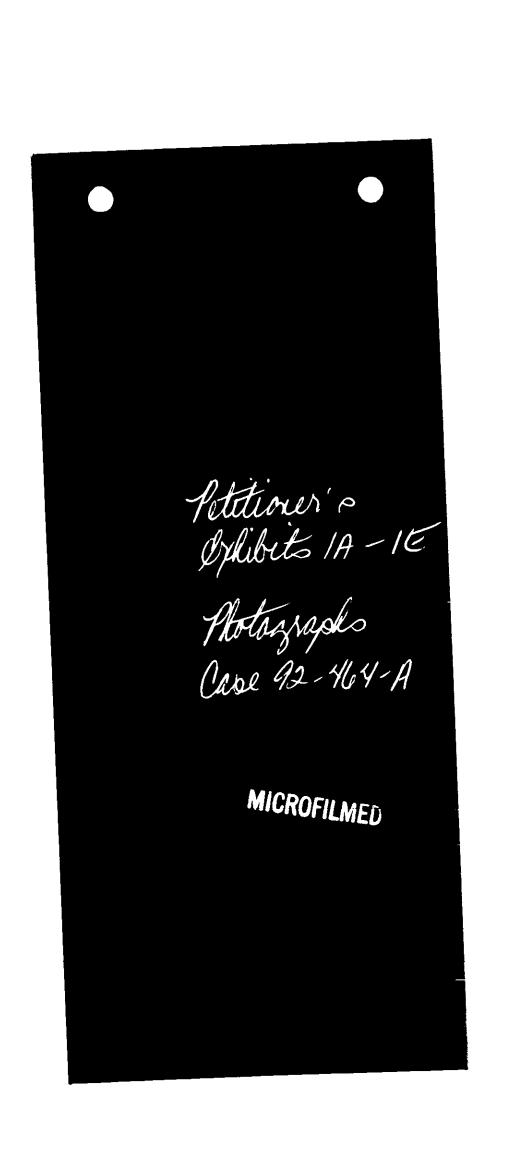
Regards,

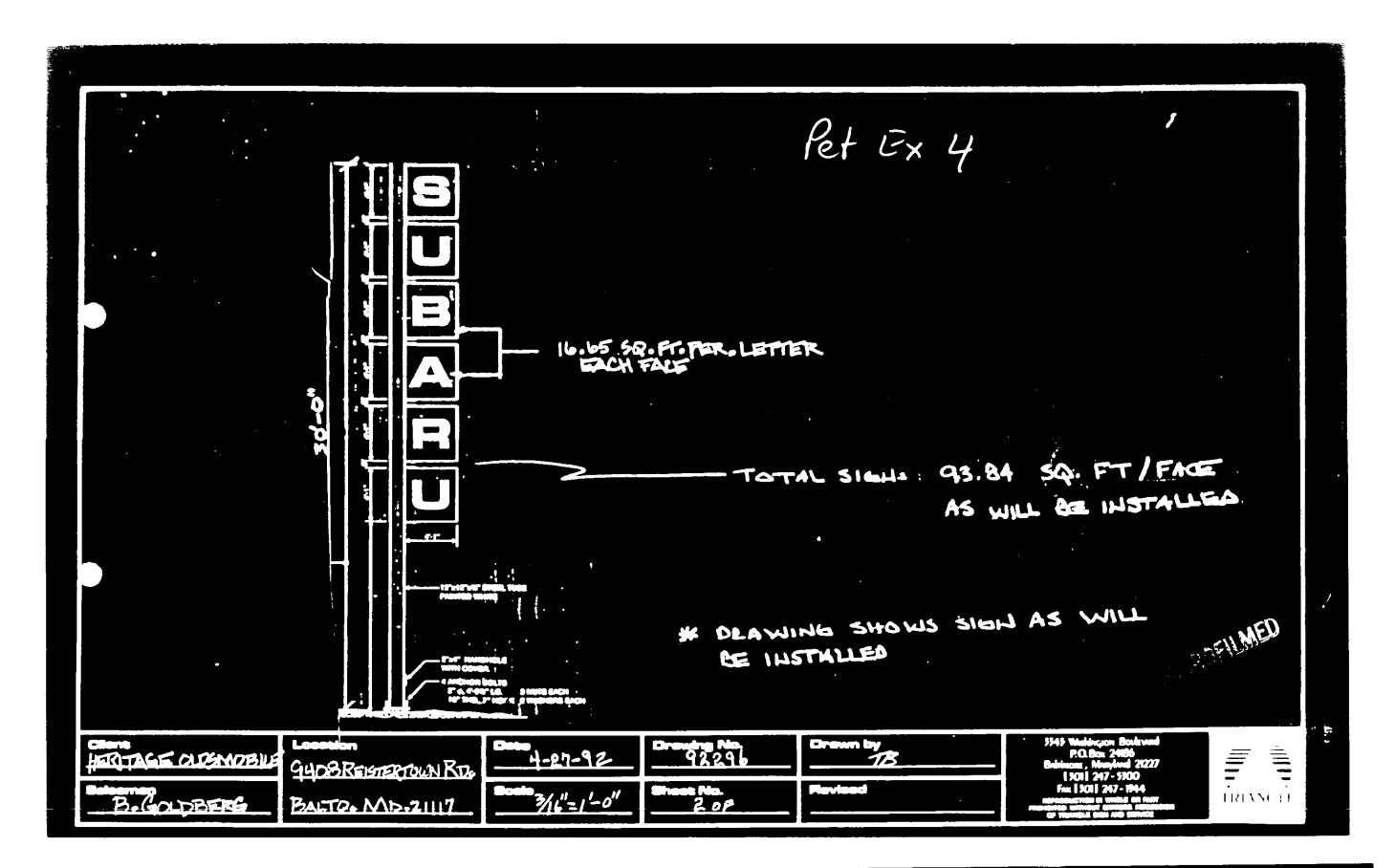
Robert D. Nix Dealer Development Manager

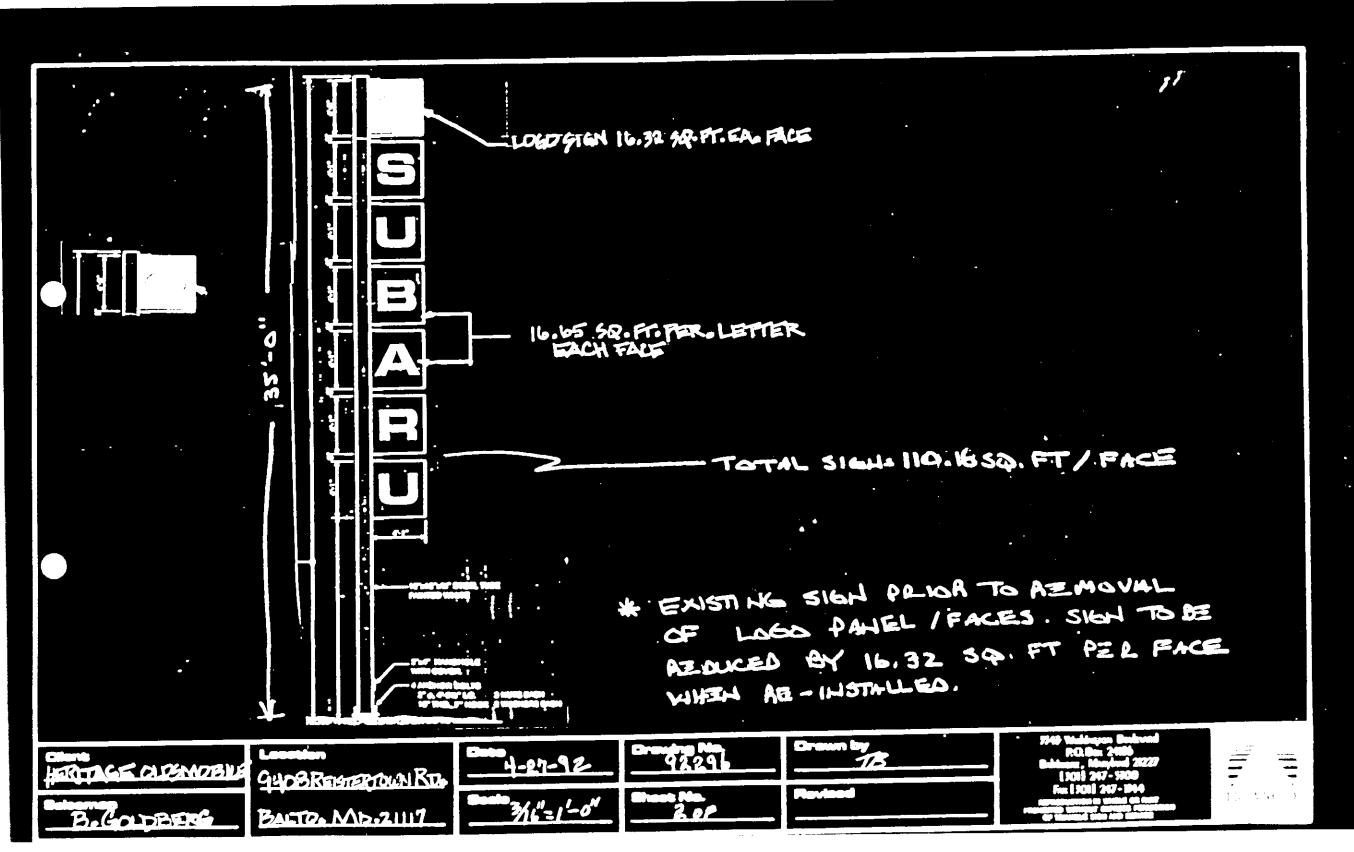
RDN/nd

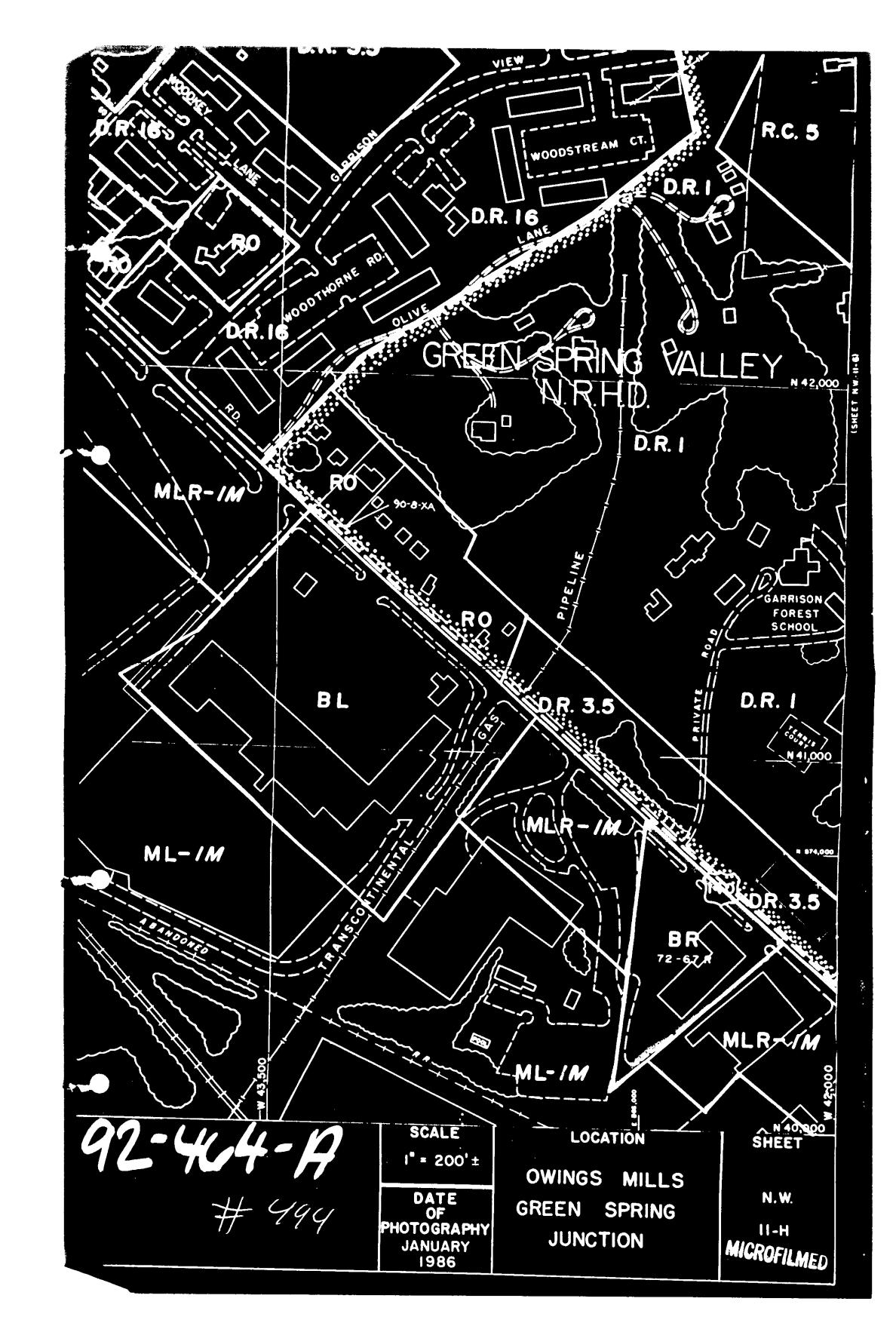
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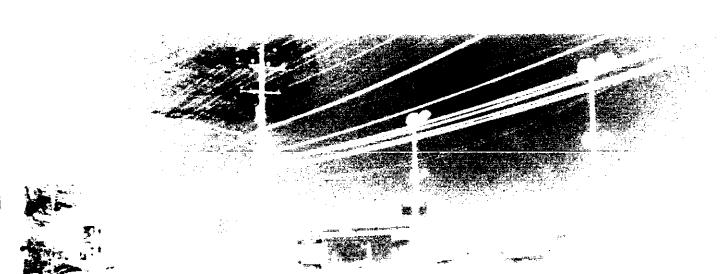


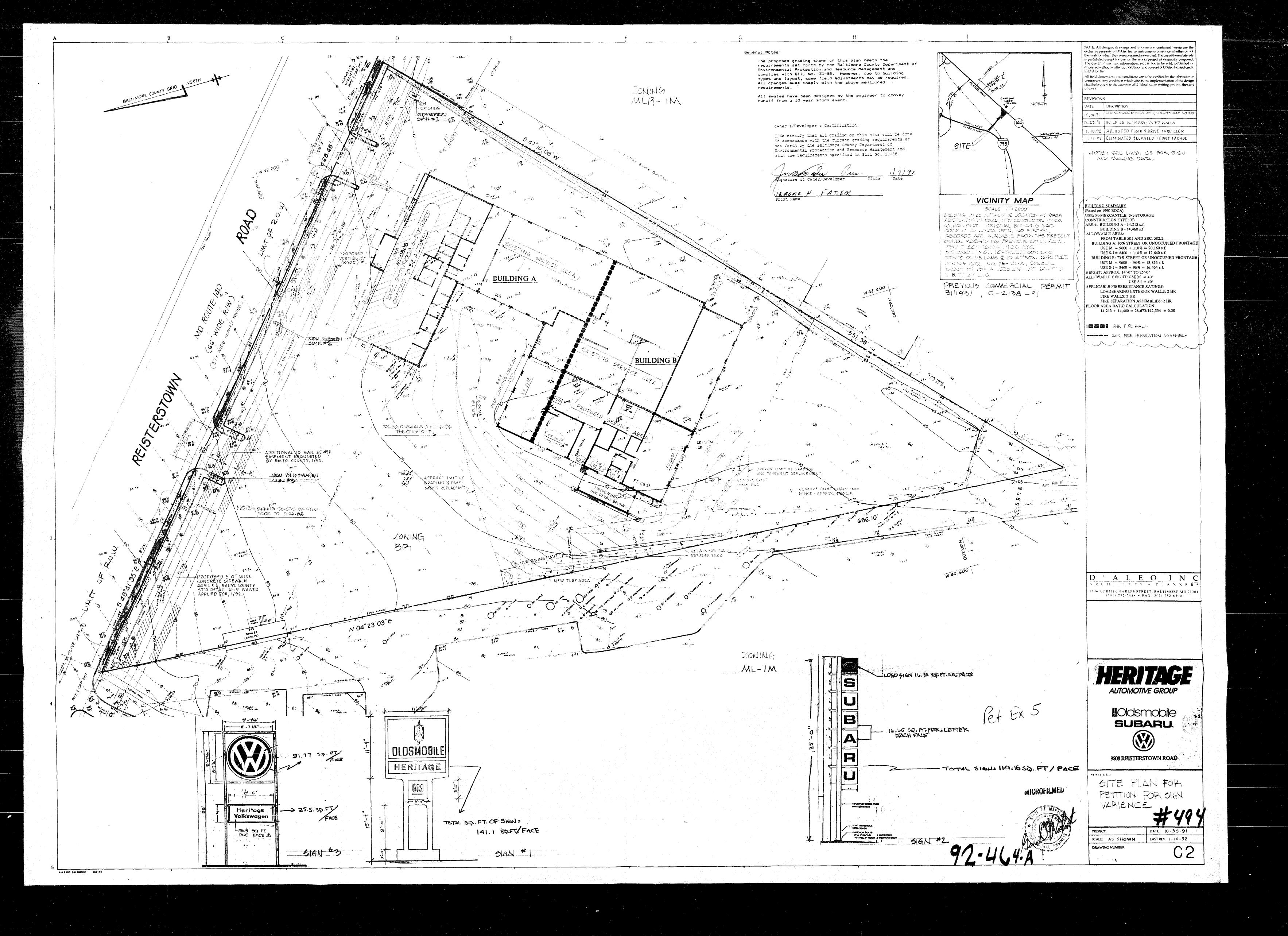


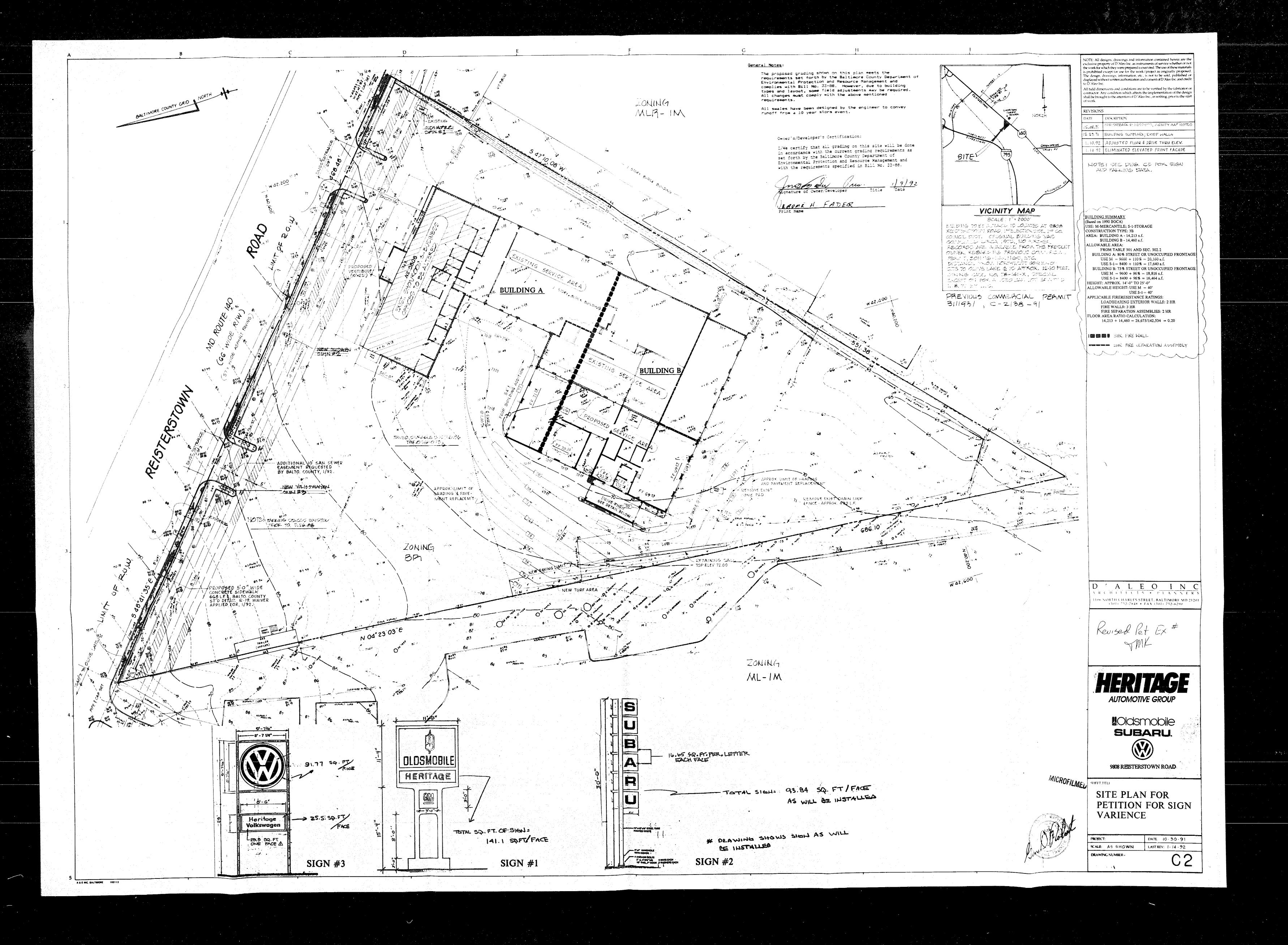












IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE SW/S Reisterstown Rd., 2700' NW of c/l of Greenspring Valley Rd. * DEPUTY ZONING COMMISSIONER (9808 Reisterstown Road) * OF BALTIMORE COUNTY 3rd Election District 3rd Councilmanic District * Case No. 92-464-A Samuel Funk and David Granat Petitioners

> * * * * * * * * * * FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a

Petition for Zoning Variance filed by Heritage Dodge by and through its attorney, Julius W. Lichter, Esquire, in which the Petitioners request relief from Section 413.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit three business signs totalling 737.06 sq.ft. in lieu of the permitted 100 sq.ft. for existing Sign 1 of 282.2 sq.ft.; proposed Sign 2 of 220.32 sq.ft. and proposed Sign 3 of 234.54 sq.ft. which replaces an existing sign totalling 80 sq.ft. The Petitioners also request a variance from Section 413.5d of the B.C.Z.R. to permit Signs 1 and 2 with a height of 26.8 feet and 35 feet, respectively, in lieu of the permitted 25 feet for each, all as more particularly described on Petitioner's Exhibits 4 and 5.

Appearing on behalf of the Petition were Jerome Fader, Steve Fader, and Leo J. D'Aleo. There were no Protestants.

At the onset of the hearing, Counsel for the Petitioners, Julius W. Lichter, Esquire, moved that the Petition for Zoning Variance be amended. Specifically, the Petition was amended to request a height for Sign 2 of 30 feet in lieu of the requested 35 feet, and a total sign area of 187.68 sq.ft. for Sign 2 in lieu of the requested 220.32 sq.ft. As a result of the modifications made for proposed Sign 2, the total signage

requested for the subject property would then be reduced to 704.42 sq.ft. in lieu of the originally requested 737.06 sq.ft. The Petition was amended accordingly.

Testimony indicated that the subject property, known as 9808 Reisterstown Road, consists of 2.9495 acres, more or less, zoned B.R., and is the site of the Heritage Automotive Group. The proffered testimony offered by Mr. Lichter indicated that the Fader family has operated several dealerships along this section of Reisterstown Road for many years. Testimony indicated that the Petitioners are desirous of locating three business signs on the subject property to identify their Volkswagen, Subaru and Oldsmobile dealerships. The three signs in question are depicted on Petitioner's Exhibit 5, a site plan of the subject property. Two of the subject signs will be relocated from an existing dealership located elsewhere. Those two signs are for the Volkswagen and Subaru dealerships. Submitted into evidence as Petitioner's Exhibits 1A through 1E were various photographs of the subject property. Said photographs reveal that the subject property is well-maintained, and is neat and orderly in its appearance. While the proposed signage will increase at the subject location, it will decrease at the sites where the signs presently exist. There were no adverse comments from any agency in Baltimore County and no Protestants appeared at the hearing.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this /7 day of July, 1992 that the Petition for Zoning Variance requesting relief from Section 413.2 of the Baltimore County

Zoning Regulations (B.C.Z.R.) to permit three business signs totalling 704.42 sq.ft. In lieu of the permitted 100 sq.ft., to include existing Sign 1 of 282.2 sq.ft.; proposed Sign 2 of 187.68 sq.ft. and proposed Sign 3 of 234.54 sq.ft. which replaces an existing sign totalling 80 sq.ft. The Petitioners also request a variance from Section 413.5d of the B.C.Z.R. to permit Signs 1 and 2 with a height of 26.8 feet and 30 feet, respectively, in lieu of the permitted 25 feet for each, in accordance with Petitioner's Exhibits 4 and 5, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) Prior to the issuance of any permits, Petitioners shall submit a revised site plan incorporating the modifications requested herein as to proposed Sign 2 for the Subaru dealership.

> > Deputy Zoning Commissioner for Baltimore County

TMK:bjs

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

July 17, 1992

Juliua W. Lichter, Esquire Levin & Gann 305 W. Chesapeake Avenue Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE SW/S Reisterstown Road, 2700' NW of the c/l Greenspring Valley Road (9808 Reisterstown Road) 3rd Election District - 3rd Councilmanic District Samuel Funk and David Granat - Petitioners Case No. 92-464-A

Dear Mr. Lichter:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

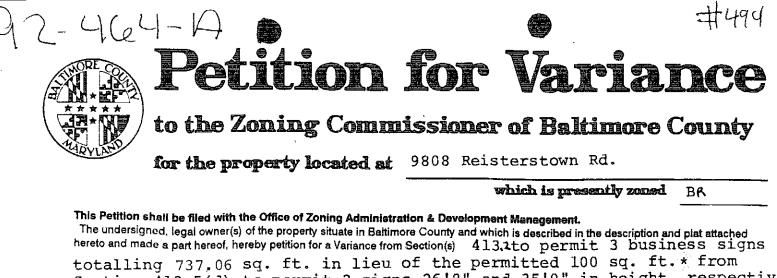
TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

TMK:bjs

cc: People's Counsel

File

MICROFILMED



Section 413.5(d) to permit 2 signs 26'8" and 35'0" in height, respective in lieu of the permitted 25 ft. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or

site constraints; automobile dealership requirements;

and additional reasons which will be presented at the public hearing.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. *(existing sign #1-282.2 sq.ft. remaining; sign #2, 220.32sq.ft. new;

Property is to be posted and advertised as prescribed by Zoning Regulations.

sign #3, 234.54 sq.ft. new &replacing existing sign of 80sq.ft.) !/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee Samuel Funk & David Granat Jerome Fader, Agent Signature Heritage Dodge Attorney for Petitioner Levin & Gann, P.A. 11234 Reisterstown Rd. (356-1850) Julius W. Lichter, Esquire Owings Mills, MD 21117 Name, Address and phone number of legal owner, contract purchaser or representative 305 W. Chesapeake Ave. 321-0600 Julius W. Lichter, Esquire 305 W. Chesapeake Ave. - Ste. #113 Towson, MD Address Towson, MD 21204 Phone No. 321-0600

HOFFMAN and HOFFMAN SURVEYORS . LAND PLANNERS

5502 STONINGTON AVENUE • BALTIMORE, MARYLAND 21207

THOMAS M. HOFFMAN THOMAS M. HOFFMAN, JR. Property Line Surveyor #267

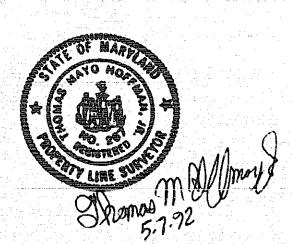
PHONE: (301) 448-0181

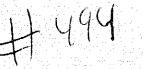
ZONING DESCRIPTION 9808 REISTERSTOWN ROAD

Beginning at a point on the southwest side of Reisterstown Road, 66 feet wide, at a distance of 2700 feet northwest of the centerline of Greenspring Valley Road, thence

1) South 47°10'08" West 551.38 feet, thence 2) North 04°23'03" East 686.10 feet, thence binding on Reisterstown Road 3) South 48'41'35" East 468.48 feet to the place of beginning, containing 2.9495 acres of land, more or less.

Being the aggregate of the two following recorded deeds; Liber 6619, folio 407 and Liber 4990, folio 512. Also known as 9808 Reisterstown Road in Election District 3.





Location of property: SW/S Resters town Road, 2700 NWM the Cl of Trenspring Valley Road, 9808 Restration Road Location of Signer Clar front of 9505 Reinterstion Road

CERTIFICATE OF POSTING zoning department of Baltimore County

Case: #92-464-A (Itam 494)
SW/S Reisterstown Road,
2700' NW of cf Greenspring
Valley Road
9808 Reisterstown Road
3rd Election District
3rd Councilmanic
Petitioner(s):
Samuel Funk and David
Granat
Hearing Date: Thursday,
July 16, 1992 at 9:00 a.m.
in Rm. 106, Office Building Variance: to permit 3 business signs totalling 737.06 sq. ft. in lieu of the permitted 100 sq. ft. (existing sign #1, 282.2 sq. ft. remaining; sign #2, 220.32 sq. ft. new sign #3, 234.54 sq. ft. new and inches and 35 ft. in height, respectively, in lieu of the permitted 25 ft.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on Mark 1, 1972

MICROFILMED

Baltimore Cour
Zoning Commissioner
County Office Building
111 West Cheenpeake Avenue
Towson, Maryland 21204

111 West Chesapeake Avenue

Towson, MD 21204

92-464

PUBLIC HEARING FEES OTY FRICE

080 -POSTING SIGNS / ADVERTISING 1 X \$60.40

LAST NAME OF OWNER: FUNK, GRANAT

MICROFILMED

04A04#0111MICHRC BA CO10:46AM07-24-92 lease Make Checks Payable To: Saltimore County

M9300012

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

of Planning & 2

111 West Chesapeake Avenue Towson, MD 21204 887-3353

DATE: 6-19-92

Samuel Funk and David Granat c/o Heritage Dodge 11234 Reisterstown Hond Owings Hills, Haryland 21117

RE:
CASE #92-464-A (Item 494)
SW/S Reisterstown Road, 2700' NW of c/l Greenspring Valley Road
9808 Reisterstown Road
3rd Election District - 3rd Councilmanic
Petitioner(s): Samuel Funk and David Granat
HEARING: THURSDAY, JULY 16, 1992 at 9:00 a.m. in Rm. 106, Office Building.

Please be advised that \$ 60.40 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONLING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return sail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

Cellfaller

DIRECTOR

cc: Julius W. Licther, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

(410) 887-3353

recellpt

Your petition has been received and accepted for filing this

ARNOLD JABLOS

Received By

Chairman,
Zoning Plans Advisory Committee

Petitioner: Samuel Funk, et al
Petitioner's Attorney: Julius W. Lichter

MICROFILMED

Printed on Recycled Paper

06/15/92 Development Review Committee Response Form Authorized signature _______. Surely Meeting Date Waiver Number Stonegate at Patapsco (Azreal Property) 6-1-92 90476 ZON DED TE (Waiting for developer to submit plans first) COUNT Keith M. And Patricia M. Lamber COUNT Samuel Frank And David Granat DED DEPRM RP STP TE Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning William J. And Elizabeth G. Wachter DED DEPRM RP STP TE Aneita R. And James S. Henry DED DEPRM RP STP TE Douglas R. Small DED DEPRM RP STP TE Lyle L. Boltinghouse DED DEPRM RP STP TE Glenn A. And Patricia A. Sudano Howard W. Dawson, Sr. NC 503 DED DEPRM RP STP TE MICROFILMED COUNT 8

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

JUME 5, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Touson, Maryland 21204
or

Room 118, Old Courthouse, 400 Washington avenue, Towson, Maryland 21204 as follows:

CASE #92-464-h (Item 494)
SW/S Reisterstown Road, 2700' NW of c/l Greenspring Valley Road
9808 Reisterstown Road
3rd Election District - 3rd Councilmanic
Petitioner(s): Samuel Punk and David Granat
HEARING: THURSDAY, JULY 16, 1992 at 9:00 a.m. in %m. 106, Office Building.

Variance to permit 3 buisness signs totalling 737.06 sq. ft. in lieu of the permitted 100 sq. ft. (existing sign #1, 282.2 sq. ft. remaining; sign #2, 220.32 sq. ft. new; sign #3, 234.54 sq. ft. new and replacing existing sign of 80 sq. ft.); and to permit 2 signs 26 ft., 8 inches and 35 ft. in height, respectively, in lieu of the permitted 25 ft.

Lawrence E. Schmidt

cc: Samuel Funk and David Granat Julius W. Lichter, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

July 6, 1992

(410) 887-3353

Julius W. Lichter, Esquire Levin & Gann, P.A. 305 W. Chesapeake Avenue Towson, MD 21204

> RE: Item No. 494, Case No. 92-464-A Petitioner: Samuel Funk, et al Petition for Variance

Dear Mr. Lichter:

111 West Chesapeake Avenue

Towson, MD 21204

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

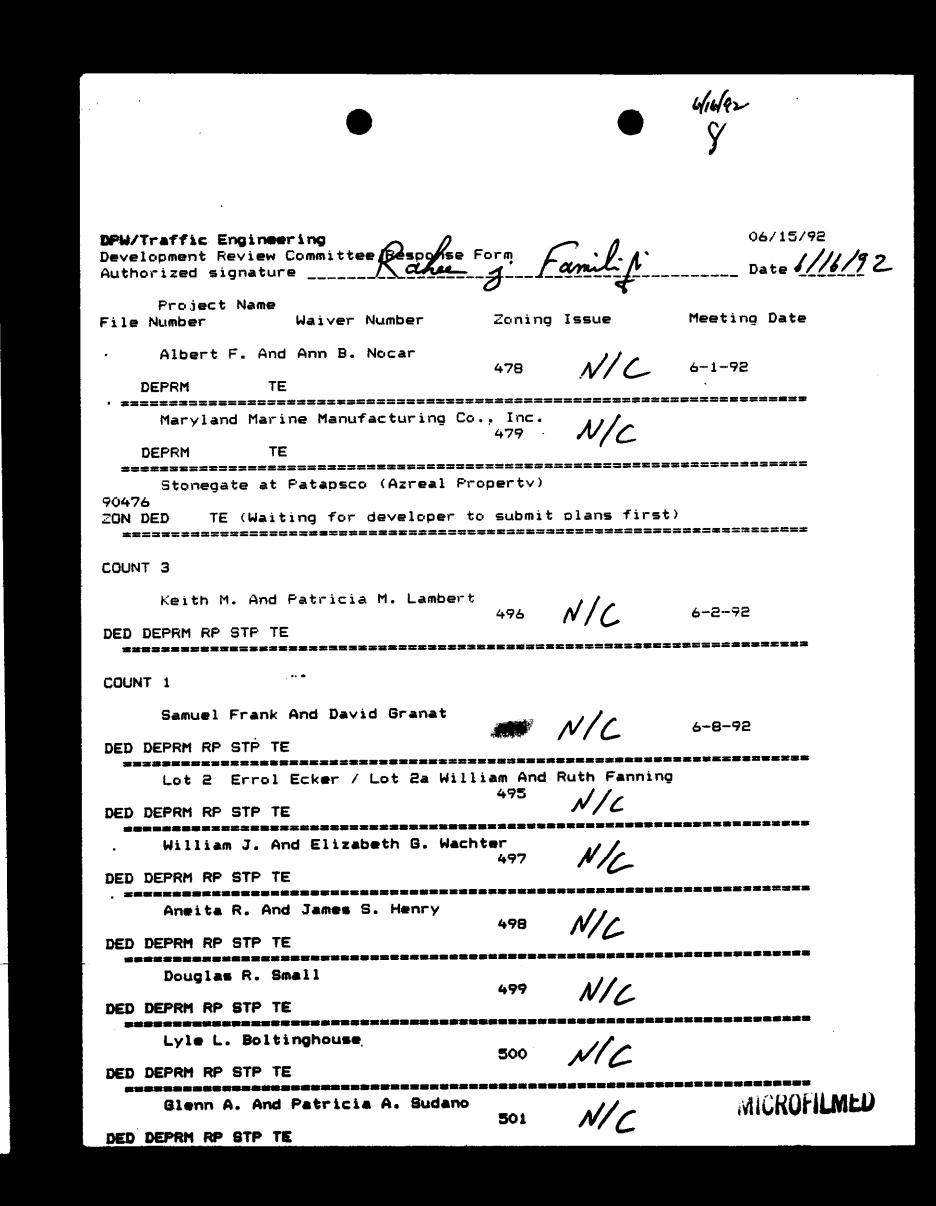
Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related <u>only to the filing of future</u> <u>zoning petitions</u> and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Printed on Recycled Pr

MICROFILMED



Department of **Environmental Protection & Resource Managemen**Development Review Committee Resource Form
Authorized signature File Number Zoning Issue Meeting Date COUNT 5 Keith M. And Patricia M. Lambert 6-2-92 ED DEPRM RP STP TE COUNT Samuel Frank And David Granat 6-8-92 NO COMMENTS Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning written comments William J. And Elizabeth G. Wachter NO COMMENTS Aneita R. And James S. Henry NO COMMENTS DED DEPRM RP STP TE Douglas R. Small IN PROESS DED DEPRM RP STP TE Lyle L. Boltinghouse NO COMMENTS DED DEPRM RP STP TE Glenn A. And Patricia A. Sudano Written comments DED DEPRM RF STF TE Howard W. Dawson, Sr. NO COMMENTS DED DEPRM RP STP TE COUNT 8 FINAL TOTALS MED WED COUNT 21 *** END OF REPORT ***

(410) 887-4500

6209-92

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: SAMUEL FUNK AND DAVID GRANAT

Location:

\$9808 REISTERSTOWN ROAD

Item No.:

Zoning Agenda: JUNE 8, 1992

Gentlemen:

700 East Joppa Road Suite 90 Towsun, MD 21204-5500

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Fire Prevention Bureau Special Inspection Division

JP/KEK

MICROFILMEL

PERSONAL

COUNT COUNT 8 COUNT 9

Reisterstown~Owings Mills~ Glyndon Coordinating Council

July 28, 1992

Mr. Lawrence Schmidt Zoning Commissioner Baltimore County Office of Planning & Zoning

Baltimore County Courts Building 401 Bosley Avenue Towson, Maryland 21204

RE: Case No.: 92-464-A (Item 494)

Dear Mr. Schmidt:

I am writing to express ROG's opposition to the variance requested in the above case. This variance will permit the erection of three business signs totalling 737.06 square feet in lieu of the permitted 100 square feet for an auto dealership located at 9808 Reisterstown Road. This is significant, and we believe unnecessary, variance for this area. Our community group has consistently opposed this kind of increase in commercial signage along Reisterstown Road. Because we believe the requested variance to be excessive, we hope that you will refuse the same.

I realize that the hearing on this matter was held on July 16, 1992. Unfortunately, no member of our group, which is a volunteer organization, was free to attend the hearing. We thought it best to at least make our views known to you by letter prior to your ruling.

very truly yours,

PCJ/pjb

MICROFILMED

Development Review Committee Response Fpf Lu Authorized signature Meeting Date Keith M. And Patricia M. Lambert 6-2-92 Samuel Frank And David Granat 6-8-92 Lot 2 Errol Ecker / Lot 2a William And Ruth Fanning DEPRM RP STP TE DED DEPRM RP STP TE William J. And Elizabeth G. Wachter DED DEPRM RP STP TE Aneita R. And James S. Henry DED DEPRM RP STP TE Douglas R. Small DED DEPRM RP STP TE Lyle L. Boltinghouse DED DEPRM RP STP TE ****************** Glenn A. And Patricia A. Sudano DED DEPRM RP STP TE : ##55#9#55######## Howard W. Dawson, Sr. DED DEPRM RP STP TE DED DEPRM RP STP TE ******************* FINAL TOTALS MICROFILIVILLE *** END OF REPORT ***

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY

DEPARTMENT OF TRANSPORTATION Subble 12 MOTOR VEHICLE ADMINISTRATION — CONSUMER AFFAIRS AND BUSINESS

Chapter 01 Declars and Salesman Authority: Transportation Article, 9813-104th) and 16-100, Annetated Code of Maryland .01 Dealer Licensing and Registration.

The Administration may refuse to grant a license to any person as a dealer or may suspend, revoke, or refuse to continue the license of a dealer already issued, unless meeting the requirements contained

A. Each location shall be subject to inspection by an authorised representative of the Administration before approval of application for dealer registration.

B. Fullowing approval of the application, the location shall be maintened in accordance with the applicable provisions of Transportation Article, Americal Code of Maryland, and the regulations pressulgated by the Administration. Licensees are subject to re-investigation by authorized representatives of the Administration. C. Only one license for the type of vehicles being offered for sale

C. Only one license for the type of vehicles being effect for sale will be permitted at any one location, and once the location has been licensed, it may not be subdivided for the purpose of establishing other businesses, under separate licenses for the same type of vehicles being offered for sele, without the prior approval of the Administration. This probabition also applies to a licenses doing business under more then our corporate structure. D. A dealer may de business in a name er under any title er desig-

p. A cesser may as summers in a name or under any time or comparation other than the expectation name, provided that the title or designation is not misleading. A trade or corporate name that faintly states or implies that the design has a special relationship or connection with a manufacturer that other dealers do not have is misleading, and is an example of a title or designation that may not be adopted by

eign is displayed, its (a) Shall be displayed at the desirethin entrance;

a dealer. The dealer's application for House shall state the full corporate means and all "trading as" or "doing business as" names. Example: ABC Pentine — GBC — Datum — Velvo, Inc.; T/A ABC Velvo, T/A ABC Datum, T/A ABC Pentine — GBC. E. A dealer may hold multiple Hosmoos, for example, new or used vehicle, metercycle, and trailer dealers' Hosmoos, provided that all E-censes are levest in the same dealership name. P. The leastion shall be assemble to the public, fining a main theroughfore used for purposes of vehicular truffic and fully visible from the thoroughfore. G. The location shall be of a size to adequately and safely permit the display of a minimum of ten vehicles and space for oustoner park-H. The location shall most all local scaling regulations. I. The location shall be fully lighted. J. The display and customer parking areas shall be adequately our-fixed with an appropriate covering, subject to approved by the Admin-K. The additional locations shall be inspected and approved by the L. Additional lesstless shall most the minimum standards set forth in applicable provident of the Transportation Article, Associated Code of Maryland, and the regulations pressalgated by the Adminis-

M. Additional Inestions may use registration plates inseed to the primary location provided the trade name and exceeding are identical to that of the primary location. (1) Appropriate dealership signs shall be permanently efficied.
(2) The signs deal by all order so to such them, manually leafly. from the street or bishoos. (2) The single of the state of the depleting of the depleting of the depleting of the state of t

(4) As to whelsenis dusters, a sign is not required. However, if a (h) May not he larger than 6 houles in height and 16 inches in 4958-90

BALTIHORE COUNTY, HARTLAND

INTER-OFFICE COMMESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

DATE: July 14, 1992

92-462-A 7-16-92

SUBJECT: Heritage Dodge

Samuel Funk & David Granat

SUPPLARY OF RECOMMENDATIONS: This petitioner is requesting a variance to allow three business signs totaling 737 square feet in lieu of the permitted 100 square feet and to permit 2 signs of 26'8" and 35' in height in lieu of the permitted 25 feet.

The Office of Planning and Zoning recommends APPROVAL of the petitioner's request subject to the following recommendations.

The Office of Planning and Zoning's area planner made a site visit in June and found that approaches to the property in both directions has excellent visibility. Therefore, there is no need to have signs that exceed the limits outlined in the zoning regulations. The planning staff would be willing to work with the petitioner prior to the Zoning Commissioner's Final Order in order to reach a compromise on signage in exchange for, perhaps, additional landscaping.

Francis Morsey

Erwer Mc Wances

FM/EMcD: rdn

494.ZAC/ZAC1

Pet Ex. 2

(1) Owned or lessed by the wholesale dealer;

vision of each location.

e completone place.

MVA — Consumer Arrans and Business Lecenses 11.12.01.04

(c) May not contain any language which implies the dealer-ship will buy from, sell to, or embange vehicles with the retail pub-

O. As to wholesale dealers, the location shall be in a permanent building and the space used shall be:

(2) Regularly eccepted and embasively used by the wholesale dealer for dealership purposes.

A. The dealership office shall be housed at the dealer's fixed less-tion and in a substantial building adequate and appropriate for the business so conducted.

B. The declarable office shall be of sufficient size to accommodate the customers, and shall be equipped with office faralture, such as dealt, chairs, and filing cablests, and electricity, lighting, heat, and telephone, in order to reasonably conduct the declarable business.

C. A current trader's license shall be lessed by the political subdi-

D. This House shall be displayed on the premises of the dealer in

A. If a location is otherwise adequate and appropriate, the location requirements satisfied in Engelection ASF, G, L, J, and H of this despiter may be valued for whalesale dealers and for new tealer, best tealine, and notempts dealers, who shall have the privilege of assigning manufacturer's cartificates of origin and to incee temporary tops upon thing with the Administration a written franchise agreement from the manufacturer of the validies for which the dealers obtains a franchise.

B. Manufacturers and distributors are energt from location re-quirements for the purpose of eccusing Class 1A registration plates.

C. The registration of a dealer in the names of two or more per-

sens or portuein, or otherwise, may not require a re-importion on a change in concentity on long to one pattern action as a portuer or operator remains as the country, pursuantly, us, in a corporation, as one of its logal afflication.

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Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

Mr. Philip C. Jacobson Reisterstown-Owings Mills-Glyndon Coordinating Council P.O. Box 117 Reisterstown, Maryland 21136

RE: PETITION FOR ZONING VARIANCE SW/S Reisterstown Road, 2700' NW of the c/l of Greenspring Valley Road (9808 Reisterstown Road) 3rd Election District - 3rd Councilmanic District Samuel Funk and David Granat - Petitioners Case No. 92-464-A

August 3, 1992

Dear Mr. Jacobson:

Thank you for your letter dated July 28, 1992 regarding the above-captioned matter.

Please be advised that a decision in this matter was made prior to the receipt of your letter. For your information, there were no Protestants at the hearing and the Petitioners' request was granted, subject to restrictions. A copy of the Order, issued July 17, 1992 is enclosed for your reference. Should you find the decision rendered is unfavorable, you may file an appeal to the County Board of Appeals provided you do so prior to the expiration of the thirty (30) day appeal period which commenced from the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3351.

It is suggested in the event any future hearings are held in which your organization is opposed to the relief requested and cannot send a representative, that you submit your written comments as soon as possible for due consideration.

TIMOTHY M. KOTROCO

TMK:bjs

Deputy Zoning Cor issioner for Baltimore County

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· Pet Ex 3A

VOLKSWAGEN UNITED STATES, INC. Atlantic Zone 9300 M.L. King, Jr. Highway Lanham, Maryland 20708 Tel. 301/459-7000 Fax 301/308-4617

July 13, 1992

VIA FEDERAL EXPRESS

Mr. Jerry Fader, President Heritage Oldsmobile-Imports, Inc. 9808 Reisterstown Road Owings Mills, MD 21117

Dear Mr. Fader:

Pursuant to our letter dated June 4, 1992, Volkswagen United States, Inc. hereby granted the Dealer permission to relocate its Volkswagen dealership operations from 11216 Reisterstown Road, Owings Mills, Maryland 21117, to 9808 Reisterstown Road, Owings Mills, Maryland 21117. This relocation approval was contingent upon your relocating the old Volkswagen signage to the new facility. As of this date, you have not complied with the requirements of our written agreement; therefore, Volkswagen United States, Inc. shall be under no obligation to amend the Volkswagen Dealer Agreement for the new location.

Please advise this office within ten (10) working days upon receipt of this letter on the status of the signage in the new location.

Should you have any questions, please contact me at

Regards,

Robert D. Nix Dealer Development Manager

RDN/nd

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